

HOUSE No. 2240

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

Resolve establishing the Massachusetts Correction Commission.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------|-------------------------|
| Kay Khan | 11th Middlesex |
| Patricia D. Jehlen | |
| Benjamin Swan | 11th Hampden |
| Carl M. Sciortino, Jr. | 34th Middlesex |
| Ellen Story | 3rd Hampshire |
| Denise Provost | 27th Middlesex |
| William N. Brownsberger | 24th Middlesex |
| Timothy J. Toomey, Jr. | 26th Middlesex |
| Ruth B. Balser | 12th Middlesex |
| Jennifer L. Flanagan | Worcester and Middlesex |
| Gloria L. Fox | 7th Suffolk |
| Byron Rushing | 9th Suffolk |
| Alice Hanlon Peisch | 14th Norfolk |
| Jay R. Kaufman | 15th Middlesex |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2333 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

RESOLVE ESTABLISHING THE MASSACHUSETTS CORRECTION COMMISSION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the contrary, the Governor shall
2 convene the Massachusetts Correction Commission to be known hereinafter as “the
3 commission.” The commission shall be assigned to the executive office of public safety for
4 administrative and fiscal accountability purposes, but it shall otherwise function independently of
5 the control and direction of the executive office of public safety. The commission shall consist
6 of the secretary of public safety or a designee; the commissioner of probation or a designee; the
7 chairman of the parole board or a designee; the commissioner of mental health or a designee; the
8 commissioner of mental retardation or a designee; the commissioner of public health or a
9 designee, *ex officiis*. The president of the senate shall appoint 2 members; the speaker house of
10 representatives shall appoint 2 members. The governor shall appoint 6 members from the
11 following categories: a person to chair the commission who has experience in state government;
12 a district attorney; a public defender; a sheriff; an expert on prisoner re-entry; and a corrections
13 policy expert. The following organizations shall each make one appointment to the commission:
14 the Women’s Bar Association shall appoint an attorney with experience in women’s prison
15 issues; the Massachusetts Association of Health Plans shall appoint a health care expert; the
16 National Alliance for the Mentally Ill shall make one appointment; the Massachusetts Taxpayers
17 Foundation shall make one appointment; and Massachusetts Correctional Legal Services shall
18 make one appointment.

19 The terms of the members appointed shall be three years, except that of the first appointed
20 members seven shall be appointed for a term of two years, seven shall be appointed to a term of
21 three years, the chairperson shall be appointed for a term of three years. In the first year of
22 appointments, the governor, in consultation with the chairperson, shall determine which
23 members shall serve which terms.

24 No member of the commission shall be appointed to serve more than two consecutive three-year
25 terms. Upon the expiration of the term of an appointed member, the successor shall be appointed

in a like manner for three years. A member *ex officio* shall not be entitled to vote on any matter before the committee.

Members of the commission shall receive no compensation but each member shall be reimbursed by the commonwealth for necessary expenses incurred in the performance of his or her official duties. The commission shall adopt bylaws to govern its own proceedings. Said bylaws shall be submitted for approval by the house and senate committees on post-audit and oversight, the joint committee on public safety and homeland security and the joint committee on the judiciary.

SECTION 2. The commission shall have the following duties:

(a) It shall study the medical services, including mental health and substance abuse treatment services, and educational, vocational, employment and rehabilitation programs available to prisoners;

(b) It shall report annually to the house and senate committees on ways and means and post-audit and oversight, the joint committee on public safety and homeland security and the joint committee on the judiciary on the allocation of resources, specifically fixed and operating costs of any new and preexisting facilities, assets, or personnel utilized by the department of correction. It shall make recommendations regarding how to allocate such resources in the most efficient and useful manner for both the taxpayer and the offender. It shall recommend innovative approaches to resolving present and future issues in criminal justice to promote public safety by, but not limited to, modernizing existing facilities, developing alternative sentencing methods to reduce prison overcrowding, reduce recidivism, and improve rehabilitation.

(c) It shall routinely monitor the financial status of the department of correction to assure that the department is managing revenue, state, federal and grant monies used for the operation of the department, and any applicable bond proceeds responsibly and in accordance with law and established policy;

(d) Annually, each correctional institution of the commonwealth shall be visited by at least one member of the commission. Every member of the commission shall visit at least one correctional institution of the commonwealth annually;

(e) It shall report on the general state of correctional facilities, the administration of correctional policy and practices, the living conditions of inmates therein, the general state of working conditions for department of correction employees and, where appropriate, the impact of department of correction policies and inmate living conditions upon rates of recidivism and over-classification;

(f) It shall provide public education on corrections and criminal justice issues;

(g) It may review any existing or proposed regulations promulgated or under consideration by the department of correction;

(h) It shall issue public reports annually to the department of correction, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and post-audit and oversight and the Joint Committee on the Judiciary;

(i) It shall advocate on behalf of any recommended reform that should be adopted by the commonwealth;

(j) It shall advise the commissioner of the department of correction on policy development and priorities for department of correction facilities as well as on the department's compliance with legislative and judicial mandates;

(k) It shall meet at least 6 times per year upon the call of the chairperson, and other meetings may be called by the chairperson upon giving at least 7 days' notice to all members and the

71 public. Emergency meetings may be held without any notice upon the request of a majority of
72 all voting members;

73 (l) All meetings of the commission shall be open to the public and announced through public
74 notice at least 7 days prior to the meeting date. All inmates housed within department of
75 correction facilities shall be notified of said meetings at least 7 days prior to the meeting
76 date. The commission shall accept written testimony in the event any individual is unable to
77 attend the meeting.

78 (m) A majority of the voting membership of the commission shall constitute a quorum at any
79 meeting of the commission. An action of the commission is not binding unless the action is
80 taken pursuant to an affirmative vote of a majority of voting members present, but not fewer than
81 8 voting members of the commission must be present, and the vote must be recorded in the
82 minutes of the meeting;

83 (n) The chairperson shall cause to be made a complete record of all the proceedings of the
84 commission, which record shall be open for public inspection;

85 (o) It shall hold semi-annual public hearings. Notice of said public hearings shall be issued at
86 least one month prior to the date of the hearing and shall include information regarding the time
87 and place of the hearing. Notice of said hearing shall also be posted in a public location in all
88 department of correction facilities and distributed to all inmates of said
89 facilities. Accommodations shall be made for inmates in the department of correction facilities
90 to testify before the commission at said public hearings utilizing the most current
91 technology. Written testimony shall be accepted by the commission as well;

92 (p) It shall appoint an executive director or full time equivalent. The executive director or full
93 time equivalent shall have the authority to hire support staff as necessary.

94 SECTION 3. Pursuant to section 63 of chapter 3 of the General Laws, the house and senate
95 committees on post-audit and oversight of the general court in cooperation with the joint
96 committee on public safety and homeland security and the joint committee on the judiciary shall
97 have authority to review regulations proposed or adopted by the department of correction. The
98 house and senate Committees on post-audit and oversight may hold public hearings concerning a
99 proposed or existing regulation and may submit to the department of correction comments
100 concerning the merit and appropriateness of the regulations to be promulgated and an opinion
101 whether the regulations are authorized by, and consistent with, these chapters. The department
102 of correction shall respond in writing within 10 days to the house and senate committees on post-
103 audit and oversight written questions relevant to the committee's review of a proposed or existing
104 regulation. The department of correction shall provide to the house and senate committees on
105 post-audit and oversight, without charge, copies of all public records in the department of
106 correction's custody relating to the regulation or action in question within 10 days of a request by
107 the house and senate committees on post-audit and oversight. The house and senate committees
108 on post-audit and oversight may issue reports with proposed changes to a proposed or existing
109 regulation and shall transmit this report to the department of correction. If the department of
110 correction does not adopt the proposed changes contained in the house and senate committees on
111 post-audit and oversight's reports, the department of correction shall notify the committee in
112 writing of the reasons why it did not adopt the changes either at the time it adopts a proposed
113 regulation or within 21 days of receiving the committee's report on an existing regulation.

114 SECTION 4. There is hereby appropriated \$200,000 from the executive office of public safety
115 for the establishment, operation, and management of said commission.